

## **REMARKS**

Claims 18-31 are pending in the application. Reconsideration and allowance of the application are respectfully requested.

Claims 18-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over combinations of Japanese patent document JP 10200493 to Iwasaki, et al. ("Iwasaki") in view of U.S. patent number 6,625,548 to Pihl, et al. ("Pihl"). The Office Action asserts that (i) all of the elements of Claim 18, i.e., a database, broadcast station, mobile communications terminal, and delivery management server, are substantially disclosed in Iwasaki; and (ii) Phil discloses initiation of processing by a server in response to a request by a mobile communications terminal. This rejection is respectfully traversed.

### **Iwasaki and Pihl fail to disclose all the limitations of the pending claims**

Iwasaki discloses transmission of different types of data (i.e., broadcast data and communications data to a mobile communications terminal via different channels). It is apparent that the broadcast data and communications data are totally different from "a content item having high frequency of requests" or "a content item having low frequency of requests" recited in Claim 18.

Also, in the system of Iwasaki a mobile communications terminal determines whether the data specified by a user is broadcast data or communications data. Simply put, in Iwasaki a mobile communications terminal transmits a request for a content item, the request including information on a delivery route (or content server) to a base station. Next, the base station identifies the delivery route or content server, obtains a content item, and transmits the content to the mobile communications terminal (Refer to paragraphs 0067-0070 of Iwasaki). Also, Iwasaki discloses that a description key for decrypting encrypted broadcasted data is transmitted to a mobile communications terminal, and a popular content item is transmitted via a designated channel (Refer to paragraph 0070 and 0077 of Iwasaki).

However, Iwasaki is silent about determination of whether a requested content item is a first or a second content item by a server (i.e., not a mobile communications terminal) and a

database provided in the server. The Office Action asserts that a center server disclosed in Iwasaki corresponds to a database recited in Claim 18 referring to paragraph 0059 of Iwasaki, however, Iwasaki is totally silent about determining whether a requested content is a content item having high or low frequency of requests.

In the present invention, upon receipt of a request for a content item by a mobile communications terminal, a delivery management server determines whether a requested content item is a first content item or a second content item; and varies information delivered to the mobile communications terminal according to whether the requested content item is a first or a second content item.

In other words, it is not necessary for a mobile communications terminal of the present invention to have information on a content server or to specify a suitable content server (or delivery route) as disclosed in Iwasaki.

Similarly to Iwasaki, Pihl is silent about an important feature of the present invention, i.e., determining whether a requested content item is a content item having a high or a low frequency of requests. In view of the foregoing, we consider that none of the cited references teaches or suggests the subject matter of independent Claim 18. Claims 24 and 31 are also independent claims and are patentable for the same reasons. Claims 19-23 and 25-30 are dependent from respective independent claims and add further limitations thereto, and are submitted to be allowable for the same reasons.

Accordingly, withdrawal of the 35 U.S.C. § 103 rejection of claims 18-31 is respectfully requested.

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,

/John G. Rauch/  
John G. Rauch  
Registration No. 37,218  
Attorney for Applicant

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BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200